

REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 21, 2005 (Paper No. 09082005). Upon entry of this response, claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61 are pending in the application. In this response, claims 45, 52, 55, and 59 have been amended, and claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 have been cancelled.

Applicants respectfully request that the amendments being filed herewith be entered. The amendments to claims 44, 51, and 58 are directed to matters of form. Specifically, claims 44, 51, and 58 have each been amended to depend from an independent claim, and elements have been moved from intermediate claims into these claims. Applicants respectfully request that there be reconsideration of all pending claims.

1. Rejection of Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 under 35 U.S.C. § 112, First Paragraph

Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully disagree, and traverse this rejection. However, in order to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application, claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are cancelled without prejudice, waiver, or disclaimer. The rejection of these claims is therefore rendered moot.

Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserve the right to present cancelled

claims 42, 44, 46, 49, 51, 53, 56, 58, and 60, or variants thereof, in continuing applications to be filed subsequent to the present application.

2. Rejection of Claims 41, 43-45, 48, 50-52, 55, and 57-59 under 35 U.S.C. §102

Claims 41, 43-45, 48, 50-52, 55, and 57-59 have been rejected under §102(e) as allegedly anticipated by *Grabelsky et al.* (U.S. 6,678,250). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 41, 48, and 55

Applicants respectfully submit that *Grabelsky et al.* fails to teach, disclose or suggest at least “intercepting a first RTCP sender report from the first endpoint and a first RTCP receiver report from the second endpoint, each first report transiting through the media router” as recited in claims 41 and 48. Furthermore, *Grabelsky et al.* also fails to teach, disclose or suggest at least “a processor that is programmed by the program code to enable the apparatus to intercept a first RTCP sender report from the first endpoint and a first RTCP receiver report from the second endpoint, each first report transiting through the media router” as recited in claim 55.

Grabelsky et al. discloses a system that includes peer gateways 20-23. Each gateway converts analog voice signals to a stream of RTP packets. (Col. 4, lines 35-50.) Each gateway also acts as a source for an RTCP stream associated with the RTP stream. (Col. 5, lines 35-50.) Thus, two peer gateways in *Grabelsky et al.* act as endpoints in an RTP flow and an RTCP flow.

In contrast, the instant specification describes a system where RTP and RTCP streams are **created by call endpoints** 114 and 134 and **pass through a media router** (p. 9, lines 5-20), where intercepting these streams allows the media router to monitor traffic flow, enforce data rates, and

store flow statistics. (p. 11, lines 10-20; p. 12, lines 15-20.) Claims 41, 48, and 55 thus recite “intercepting a first RTCP report from a first endpoint...each first report transiting through the media router.”

For at least the reason that *Grabelsky et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Grabelsky et al.* does not anticipate claims 41, 48, and 55. Therefore, Applicants request that the rejection of claims 41, 48, and 55 be withdrawn.

b. Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60

Claims 42, 44, 46, 49, 51, 53, 56, 58, and 60 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserve the right to present cancelled claims 42, 44, 46, 49, 51, 53, 56, 58, and 60, or variants thereof, in continuing applications to be filed subsequent to the present application.

c. Claims 43, 45, 50, 52, 57, and 59

Since claims 41, 48, and 55 are allowable, Applicants respectfully submit that claims 43, 45, 50, 52, 57, and 59 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 43, 45, 50, 52, 57, and 59 be withdrawn.

3. Rejection of Claims 47, 54, and 61 under 35 U.S.C. §103

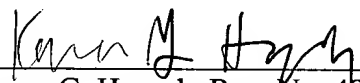
Claims 47, 54, and 61 have been rejected under §103(a) as allegedly obvious over *Grabelsky et al.* (6,678,250). Applicants respectfully traverse this rejection. Since claims 41, 48, and 55 are allowable, Applicants respectfully submits that claims 47, 54, and 61 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 47, 54, and 61 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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